

THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

IN RE:

KENNETH J. SAMANSKY
XXX-XX-8594
P.O. BOX 1551
DENTON, TX 76202

DEBTOR

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CASE NO. 13-41306-R
CHAPTER 13

TRUSTEE'S OBJECTION TO DEBTOR'S MOTION TO SELL
REAL ESTATE FREE AND CLEAR OF LIENS PURSUANT TO 11 U.S.C. §363(f)

COMES NOW JANNA L. COUNTRYMAN, the Standing Chapter 13 Trustee, and files this her OBJECTION TO DEBTOR'S MOTION TO SELL REAL ESTATE FREE AND CLEAR OF LIENS PURSUANT TO 11 U.S.C. §363(f) in the above numbered and styled proceeding, and for cause would show the Honorable Court as follows:

1. At the time the Debtor filed his case he claimed \$18,188.00 as exempt equity for his homestead pursuant to 11 U.S.C. §522(d)(1).
2. Additionally, the Debtor maximized his wildcard exemption pursuant to 11 U.S.C. §522(d)(5) by claiming the amount of \$6,012.00 as exempt, including the unused portion of the allowed homestead exemption in effect as of the petition date.
3. The Motion fails to provide that after the deduction of all liens, encumbrances, real property taxes, commissions, and reasonable costs of closing, that any remaining net proceeds which exceed \$18,188.00, will be tendered to the chapter 13 Trustee along with a copy of the closing and settlement statement.
4. The Trustee does not otherwise oppose the sale.

WHEREFORE, PREMISES CONSIDERED, Janna L. Countryman, the Standing Chapter 13 Trustee, prays that the Court require net proceeds in excess of \$18,188.00 be submitted to the chapter 13 Trustee along with a closing and settlement statement, and for such further relief as is just and equitable.

Respectfully submitted,

/s/ Shelly Terrill

Janna L. Countryman, TBN 04888050
Shelly Terrill, TBN 00794788
Office of the Standing Chapter 13 Trustee
500 North Central Expressway, Suite 350
Plano, Texas 75074
(972) 943-2580 / Fax (972) 943-8050

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing OBJECTION TO DEBTOR'S MOTION TO SELL REAL ESTATE FREE AND CLEAR OF LIENS PURSUANT TO 11 U.S.C. §363(f) has been served upon the following parties in interest on the date set forth below by mailing a copy of same to them via first class mail.

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Dated: June 18, 2014

/s/ Shelly Terrill

Office of the Standing Chapter 13 Trustee